



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ENVIRONMENTAL
CLEANUP

May 3, 2018

Mr. Ken Tyrrell
Executive Vice President
Project Coordinator – Portland Harbor
Design and Consulting Services Group
AECOM
1111 Third Avenue
Seattle, Washington 98101

RE: Notification of Deficiency
Administrative Settlement Agreement and Order on Consent for Pre-Remedial Design Investigation and
Baseline Sampling, CERCLA Docket No. 10-2018-0236

Dear Mr. Tyrrell:

Pursuant to the Administrative Settlement Agreement and Order on Consent (ASAOC) and Section 3.4(c) of the Statement of Work (SOW) in the above referenced action, EPA is issuing a Notification of Deficiency on incidents related to the Pre-RD Group's acoustical fish tracking study efforts in the Portland Harbor Superfund Site.

Based on field oversight reports received, EPA has determined the following to be deficient and will require your immediate attention and action.

- Performance of acoustic fish tracking study Not in Accordance with EPA approved Field Sampling Plan (FSP)

Pursuant to Section 5.6(c), approved deliverables, such as Standard Operating Procedures (SOPs), Field Sampling Plans (FSPs), and Quality Assurance Project Plans (QAPPs) are incorporated into and enforceable under the ASAOC and respondents shall take any action required by such deliverables, or portion thereof unless any condition to approval is disputed and a dispute resolution is initiated under Section XIV of the ASAOC.

Oversight inspectors observed that fish scales were not being sampled for dating of the fish as is specified in the FSP. When the oversight inspector notified the Pre-RD representative on May 2, 2018 that collecting fish scales for age dating was in the EPA approved FSP, the representative responded that scale samples will be analyzed during the fish tissue sampling, and were not collected during surgery to minimize stress on the fish tagged for the study, thereby promoting fish recovery after the tag implant procedure. This deviation from the FSP was made without consulting with EPA or providing a change request for approval. Specifically, Section 4.6.2 of the FSP states:

"Prior to being placed in the electronarcosis system, each SMB will be photographed (SOP-02, Digital Camera Use and Documentation Procedures) and have scales removed for age dating. Scales will be

removed from the area posterior to the pectoral fin and slightly below the lateral line (DeVries and Frie 1996); scale samples will be placed in wax paper, and placed in a coin envelope with the sample date and associated sample identification number clearly written on the outside of the envelope.”

Please ensure the above mentioned deficiency and issues are addressed within 15 days of receipt of this notification. EPA expects to work with the AECOM/Pre-RD Group in the meantime to discuss and work toward a revised FSP for sediment sample collection.

Please feel free to contact me at 206-553-7660 or email at zhen.davis@epa.gov.

Sincerely,

Davis Zhen, Manager
Site Cleanup Unit 2